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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,419	10/17/2000	Gordon MacKay	CISCP261	4308
22434	7590	12/31/2007		
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER HALIYUR, VENKATESH N	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/691,419	Applicant(s) MACKAY ET AL.	
	Examiner Venkatesh Haliyur	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-44 (claims 1-21 canceled) is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 28,30,39,41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. New office action is made in response to Notice of Panel Decision from Pre-Appeal Brief review of 11/06/2007 to reopen prosecution for this application. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However a new ground(s) of rejection has been made in this office action in view of Meier et al and a newly found reference Tsuchiya et al. Rejection follows

2. Claims 22-44 are pending in the application. Claims 1-21 are canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 29, 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Meier et al [US Pat: 5,295,154].

Regarding claims 29,40, Meier et al disclosed a method for detecting a loop in a network of devices, at least a plurality of the devices being capable of transmitting and reading auto-negotiate messages (**HELLO/ATTACHED/LISTEN/ UNATTACHED messages**) using a communication protocol supported by the plurality of devices (**Fig 1, col 3, lines 45-64**) each auto-negotiate message being characterized by a plurality of fields, each field being represented by a number of bits (**col 3, lines 10-62**), the method comprising: sending a loop detect message (**send spanning tree messages to form nodes without loops**) from a first device (**gateway, item 20 of Fig 1**) to a second device (**bridge, item 42 of Fig 1**) in the plurality of network of devices (**col 3, lines 18-26**), wherein the loop detect message includes the same number of fields as an auto-negotiate message (**HELLO/LISTEN messages contains information about sending/destination addresses, node ID, distance and other node parameters in the similar fields of these auto messages, col 3, lines 37-47**).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22-27, 31-38, 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al [US Pat: 5,295,154] in view of Tsuchiya et al [US Pat: 5,115,495].

Regarding claim 22,33,44 Meier et al in the invention of "Radio Frequency Local Area Network" disclosed a method for handling a communication in a network (**Fig 1, col 2, lines 45-68, col 3, lines 1-68**) of nodes, each node having an associated identification that is unique from other identifications in the network of nodes, the method comprising: receiving, at a first node (**gateway or root node, item 20 of Fig 1**), a communication (**HELLO/LISTEN/ATTACH/UNATTACHED**) from a second node (**bridge, item 44 of Fig 1, col 2, lines 45-58**), wherein the communication includes an identification (**node ID, col 9, lines 1-10**); determining at the first node, whether the identification included (**distance information**) in the communication is closer to, equidistant from, or further from a predetermined identification value than an identification associated with the first node (**col 10, lines 1-68**); if the identification included in the communication is closer to the predetermined identification value (**CHANGE-THRESHOLD level**) than the identification associated with the first node, sending, from the first node to a third node (**bridge, item 50 of Fig 1**), a communication including the identification that was included in the communication received from the second node (**col 11, lines 1-20**); if the identification included in the communication is further (**distance/path cost**) from the predetermined identification value than the identification associated with the first node, sending, from the first node to a third node, a communication including the identification associated with the first node (**col 9, lines**

1-68) ; but fails to disclose if the identification included in the communication is equidistant from the predetermined identification value as the identification associated with the first node concluding that a loop exists in the network.

However, Tshuchiya et al, in the invention of "Communications network system using full Juncture and Partial Juncture Station Status Information for Alternate-Path Distance-Vector Routing" disclosed if the identification included in the communication is equidistant (**equal distance from the juncture node, col 9, lines 49-64, Fig 4**) from the predetermined identification value as the identification associated with the first node (**col 7, lines 24-62**) concluding that a loop exists in the network (**col3, lines 5-12**).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the method of detecting loops in a network as taught by Tshuchiya et al in the system of Meier et al for detecting loops in the network. One is motivated as such in order to use an efficient loop detection method to break a loop as soon as it is detected to avoid throughput degradation of the network.

Regarding claims 23, 31, 34, Meier et al disclosed that the first, second, and third nodes are repeaters (**col 7, lines 15 – 45**).

Regarding claims 24-27,32,35-38,42-43, Meier et al disclosed that the identification associated with the first node is a hardware address (**MAC**) of a network device coupled to the first node (**col 3, lines 36-45,col 15, lines 50-67,col 16, lines 1-12**) and the network device is a switch (**network controller, item 14 of Fig 1**) and the network device is a Gigabit Ethernet switch (**High Speed connections, col 10, lines 14-25**).

Allowable Subject Matter

7. Claims 28, 30, 39, 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments, see remarks, with respect to rejection of claims 22-44 communicated via office action of 07/03/2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached @ (571)-272-7493. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Venkatesh Haliyur

Patent Examiner

WH 12/20/07

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SUPERVISORY PATENT EXAMINER

Edan Orgad